



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEWFOUND AREA TEACHERS ASSOCIATION/ :
NEA-NEW HAMPSHIRE :

Petitioner :

CASE NO. T-0270:13

v. :

DECISION NO. 91-38

NEWFOUND SCHOOL BOARD :

Respondent :

APPEARANCES

Representing the Newfound Area Teachers Association/NEA-NH:

Janet Paddleford Loto, UniServ Director

Representing the Newfound School Board:

Gary W. Wulf, Consultant

Also in attendance:

George A. Corrette, II, Superintendent
William T. McLane, President N.A.T.A.

BACKGROUND

This case involved the unilateral implementation of a new "non-smoking" policy by the Newfound School Board (Board) while negotiations were ongoing and which changed the existing practice on smoking.

Original decision, PELRB #90-87, issued in error was vacated and new hearing held December 18, 1990 in PELRB's office in Concord with all parties represented.

FINDINGS OF FACT

Although members had been allowed to smoke in designated areas in the past and negotiations had been ongoing on this issue, PELRB finds that RSA 155:65, XI defines areas where smoking is prohibited:

"Public educational facility" means any enclosed place or portion of such place, which is supported by public funds and which is used for the instruction

of students enrolled in grades kindergarten through 12. This definition shall include areas within facilities supportive of instruction and subject to educational administration including, but not limited to, lounge areas, passageways, restrooms, laboratories, study areas, cafeterias, gymnasiums, libraries, maintenance rooms and storage areas."

and RSA 155:66 "SMOKING PROHIBITED", Section III states:

"public educational facilities at any time,..."

also RSA 155:68 further states that;

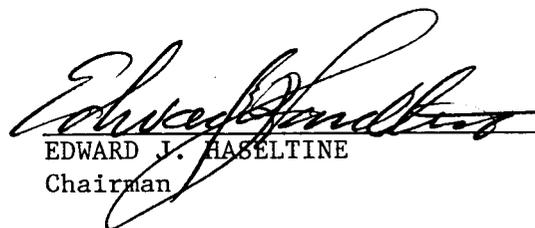
"the person in charge of the enclosed places listed in RSA 155:66 shall develop, or oversee the development of, written policies in accordance with RSA 155:71, to achieve compliance with this sub-division. . . ."

DECISION AND ORDER

As smoking is prohibited in all areas of the public educational facilities in accordance with state statute effective January 1, 1991, the issue in this case is moot and the case is hereby DISMISSED.

So ordered.

Signed this 18th day of June, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.